

**IN RE: STEPHEN M. TESSIER**

**NO. BD-2010-065**

**S.J.C. Order of Term Suspension entered by Justice Cordy on March 14, 2012.<sup>1</sup>**

**SUMMARY<sup>2</sup>**

The respondent maintained an IOLTA account to handle the receipt and distribution of client funds.

Between July and December 2009, the respondent deposited personal funds into his IOLTA account and wrote several checks from the IOLTA account directly to creditors for personal obligations. In August he made a cash withdrawal. In February 2010, he wrote a check for a client matter that was dishonored due to insufficient funds and which the bank reported to the Board of Bar Overseers.

Bar counsel wrote to the respondent in March 2010 and requested account records and an explanation for the dishonored check. The respondent did not reply to this letter or to bar counsel's further attempts to contact him in June and July. As a consequence, he was administratively suspended by the Supreme Judicial Court on July 13, 2010, for failure to cooperate with bar counsel. He has not been reinstated and has failed to close his IOLTA account or otherwise comply with the order of administrative suspension.

The respondent's conduct in depositing personal funds into the IOLTA account violated Mass. R. Prof. C. 1.15(b)(2). The respondent's conduct in withdrawing cash from his IOLTA account violated Mass. R. Prof. C. 1.15(e)(3). The respondent's conduct in writing checks to pay personal obligations directly from his IOLTA account violated Mass. R. Prof. C. 1.15(e)(4). The respondent's conduct in intentionally failing without good cause to cooperate with bar counsel's investigation violated Mass. R. Prof. C. 8.1(b) and 8.4(g). The respondent's knowing failure to comply with the order of administrative suspension and the provisions of S.J.C. Rule 4:01, § 17, violated Mass. R. Prof. C. 3.4(c) and 8.4(d).

On June 6, 2011, bar counsel filed a petition for discipline. The respondent did not file an answer and, on June 30, 2011, he was held to be in default. On September 23,

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<sup>1</sup> The complete Order of the Court is available by contacting the Clerk of the supreme Judicial Court for Suffolk County.

<sup>2</sup> Compiled by the Board of Bar Overseers based on the record filed with the Supreme Judicial Court.

2011, the Board of Bar Overseers filed an Information with the Supreme Judicial Court recommending that the respondent be suspended. On March 14, 2012 a hearing was held in front of a single justice at the Supreme Judicial Court. Both bar counsel and the respondent appeared. On March 14, 2012, the Court entered a judgment suspending the respondent from the practice of law for one year and one day effective on the date of entry.